

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Union Electric)	
Company d/b/a Ameren Missouri for the Issuance)	File No. EU-2012-0027
Of an Accounting Authority Order Relating to its)	
Electrical Operations.)	

RESPONSE TO ORDER DIRECTING FILING

COME NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “the Company”), and in response to the Missouri Public Service Commission’s (“Commission”) June 26, 2013 *Order Directing Filing*, states as follows:

1. The *Order Directing Filing* requires the parties to file “any suggested procedural schedule” by July 8, 2014. It appears that the Commission issued the *Order* in response to the Missouri Court of Appeals opinion cited in the *Order*.

2. By order dated July 30, 2012, the Commission ordered that this case be held in abeyance pending the outcome of the Court of Appeals case which resulted in the opinion referenced above. The Commission held this case in abeyance because, as the Company had indicated in its testimony, if the Court of Appeals determined that the Company was correct in its handling of revenues under the AEP and Wabash contracts that are discussed in the evidence in this case, then the need for the accounting authority order requested in this case would be eliminated.

3. As the Commission is aware, the Court of Appeals opinion determined that the Company’s handling of the AEP and Wabash revenues was incorrect because of the Court of Appeals’ determination that a fuel adjustment clause cannot lawfully be adjusted to account for the effect of an unexpected loss of the Company’s native load. The Court of Appeals’

determination was based on the particular language of the statute that authorizes fuel adjustment clauses, Section 386.266, RSMo. (Cum. Supp. 2011).

4. The evidentiary hearings in this case concluded more than one year ago, on May 3, 2012. Only two of the current commissioners were on the Commission at that time. The evidentiary record is closed, briefing is complete and there are no new facts that need to be developed. However, this is a unique case and there has been a considerable passage of time since the evidentiary record was made and briefs were filed. Moreover, there are now two new commissioners who did not personally hear the case and who had no opportunity to ask any questions.

5. Consequently, Ameren Missouri requests that the Commission schedule an oral argument pursuant to 4 CSR 240-2.140.¹ This will give all parties an opportunity to argue their points, to refresh the minds of the commissioners who did hear the case and to introduce the case to the commissioners who did not, and to also answer questions.

6. In terms of the timing of the argument Ameren Missouri suggests that the Commission issue an order asking for conflicts from mid-July to mid- or late-August, and that the argument then be scheduled to occur in the next few weeks.

WHEREFORE, Ameren Missouri hereby files this response to the *Order Directing Filing* and requests that an oral argument be scheduled.

¹ The rule contemplates that there may be briefs and oral argument, at the discretion of the Commission. 4 CSR 240.2.140(1).

Respectfully submitted,

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Dated: July 8, 2013

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail on counsel for the parties of record on the 8th day of July, 2013.

/s/ James B. Lowery _____
James B. Lowery